

Murray City Municipal Council

Murray City Chambers

Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 9th day of August 2005 at 4:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Krista Dunn,	Council Chair
Pat Griffiths,	Council Member
Jim Brass,	Council Member - conducted
Robbie Robertson,	Council Member
Jeff Dredge,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Frank Nakamura,	City Attorney
Shannon Huff Jacobs,	Council Director
Carol Heales,	City Recorder
Doug Hill,	Public Services, Director
Jody Burnett,	Counsel for City
Ed LaGuardia,	LaGuardia Properties
David Garce,	GSBS Architects
Troy Newley,	GSBS Architects
Stephen Smith,	GSBS Architects
Bruce Jorgensen,	Landscape Architect
Wade Williams,	Developer
Karen Wikstrom,	WEPC
Alice Steiner,	Consultant
John Labram,	LDS Church
Gary Snyder,	Deseret Industries
Alexander Dushkey,	Corp. of Presiding Bishop of LDS Church
Curtis Rousten,	Deseret Industries
Tim Taylor,	Traffic Engineer
Crystal Liechty,	Murray Journal
Cathy McKidrick,	Salt Lake Tribune
Citizens	

Public Hearing
Consider an Ordinance enacting
Chapter 17.146 of the
Murray City Municipal Code
related to a Transit Oriented
Development District (TOD).
4:30 p.m.

Ms. Dunn conducted meeting

- a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matters:

Consider an Ordinance enacting Chapter 17.146 of the Murray City Municipal Code related to a Transit Oriented Development District (TOD).

Staff Presentation: Dennis Hamblin

Mr. Hamblin noted this item was reviewed by the Planning & Zoning Commission on August 4, 2005.

The purpose of the ordinance is to provide for a compact, high quality density, mixed used zoned primarily around transit stations, which will be highlighted with urban design and street scape enhancements, and to create a friendly pedestrian environment with open-space and attractive buildings.

The boundaries on the north would be Big Cottonwood Creek, on the east State Street, on the south 4500 South, and on the west Union Pacific Railroad tracks. Land uses are as typical for our zoning ordinances and permitted and conditional use of which everyone has a listing in your ordinance. It also proposes that there will be design guidelines adopted as well in the details that will be discussed by the Consultant GSBS.

Mr. Hamblin noted generally the highlights of the zone indicate a set back of 15-24 feet from the curb, not property line. It will allow courtyards and plaza's to be located in the set back. No parking in the front set back of any building. Any surface parking will have to be back at least 25 feet, and at least 50 feet from the banks of Big Cottonwood Creek.

There are no height regulations being proposed. On the first floor, east of Main, a minimum ceiling height of 12' is stated because many of these have the possibility of being other than residential use, and the buildings would like a higher ceiling height for offices and retail type situations.

Multi story buildings, where there is non residential on the first floor, must be of a sound transmission standard that is found in the International Building Code so there would not be noise generating up into living areas if the residential area is above the first floor.

Mr. Hamblin continued, west of Main, there will be a maximum footprint of 50,000 square feet and east of Main and to State Street, 150,000 square feet.

Parking itself, the current ordinance indicates that buildings higher than 25' in height would require 75% of the parking to be located within the building or a parking structure within 750 feet of the building location. Parking ratios are proposed to be reduced. (If you had a 2-bedroom residential unit, it would require 1-1/2 stalls per unit where as the current standard is 2. Medical Retail would be 1 stall per 265 square feet, the current standard is 5 stalls per 1,000 square feet, office 3 per 1,000 square feet, current 4 per 1,000 square feet.) There would be a bit of reduction in the parking. If 75% of parking is in the main building or parking structure, there are other standards that will apply as far as the off street parking ratios and they are listed in the proposed zoning TOD Ordinance.

Mr. Hamblin talked about Open Space. Open Space, 20% of the area, will be in landscaping, courtyards, plazas, walkways. There is no density limitation regarding residential development. Principal streets which are mainly going to be more on the commercial end of things would require a 5' park strip and a 10' sidewalk which would also have the improvements of benches, lighting, would give a wider sidewalk than is the customary standard in the usual city code so we can widen a walk way and make it more friendly and more accessible for pedestrians. Other streets, mainly in the residential areas, would be 10' park strips and 5' sidewalks, also with improvements.

Mr. Hamblin noted that Planning Commission had a lengthy discussion on this and they recommended favorably the adoption of the Transit Oriented Development with the following recommendations:

1. Limit the square footage to 100,000 square feet between Main and State Street;

2. Allow flexibility in design of surface parking as per the memo from Doug Hill;
3. Allow encroachments into pedestrian rights-of-way from Doug Hill's memo, to allow extensions from buildings out over the sidewalk area to give protection from weather and shading to make it more pedestrian friendly and give it a more down to scale urban feel.
4. Remove streets from the definition found in section 17.146.110. Open Space Section which would eliminate streets. 20% would come from other land uses other than streets.

The vote from the Planning Commission was 6 yes in favor and 1 Nay (Jeff Evans).

As far as the TOD Guidelines are concerned, the Planning Commission has given a positive recommendation for the draft TOD Guidelines on 6 Ayes and 1 Nay (Jeff Evans).

Staff Presentator: Doug Hill

Mr. Doug Hill noted there have been several draft ordinances that have been circulating around so Mr. Hill wants to make sure that the Council is all working off the same ordinance. The ordinance that he has asked that the Council look at is the one which was submitted to the Council in their packets. The original ordinance was the ordinance that the Planning Commission saw last Thursday night with the exception that the words "streets" were deleted from the Open Space section.

Mr. Hill started with Section 17.146.020 - **Boundaries**. There has been a lot of discussion about the boundaries of the TOD. This discussion has continued right up to this meeting. There have been several property owners who have been concerned about the boundary listed in the ordinance, which is the east boundary going to State Street. Several property owners have asked that a recommendation be made to move the boundaries from State Street on the east to Main Street on the east.

Mr. Hill is sure there will be several that may want to speak to that, but there are a lot of unknowns currently within the area between Main Street and State Street. There is also some development interest of property owners in this area as well, property owners are concerned that the restrictions placed upon them within the TOD ordinance may be somewhat onerous and cumbersome and costly. That is why the recommendation is

that the boundaries be moved back to Main Street so that more discussion can occur in this area.

Mr. Hill continued with 17.146.040 - **Permitted Uses**. Mr. Hill wanted to clarify because there seems to be some misunderstanding that churches and schools are not permitted within the TOD. They are included as a permitted use. Schools are included in the 6800 category as an Educational Services and Churches are included in the 6900 category as a Miscellaneous Service Organization.

Mr. Hill went on to 17.146.060 - **Height Regulations**. In the language which you have in the ordinance, it states that for the area east of the UTA Trax, there are no height restrictions. We are recommending that you strike that first part of the sentence so the language would read "there are no height restrictions in the TOD." There was some confusion about why there would be height restrictions in the area east, but not west of the TRAX. It seemed consistent from the Planning Commission discussions that there would be no height restrictions within the TOD.

Mr. Hill continued if you take into consideration moving the boundaries of the TOD to Main Street another item you would want to consider would be the language in the following section 17.146.070. - **Requirements**. There is some language which refers to areas east of Main Street that would have a restriction of the building's 1st floor building space that would not exceed 150,000 square feet. You saw from the Planning Commission recommendation that they wanted to reduce that from 150,000 square feet to 100,000. If you change the areas of the boundary to Main Street, then of course that restriction would no longer apply in the ordinance.

The next section 17.146.080 - **Parking Regulations**. There has been a lot of discussion about parking and in section A the current ordinance requires that anything that exceeds 25' feet in height would be required to build a parking structure. Mr. Hill noted he is not going to get into a lot of that. One of the things which the Council needs to consider is what should that height be before you want to require a parking restriction. It has been recommended or suggested by many that it should be higher 25'

Mr. Hill continued, in section B & C another item which has generated much discussion is, should there be parking reductions within the TOD. On the surface it seems to make sense, because it is a Transit Oriented Development, that people would want to take advantage of the Light Rail Stations and as a result the development which would occur in that area may require lower parking ratios than we currently require in our ordinance.

The Planning Commission recommendation that we insert some alternative language that would allow the Planning Commission to reduce the parking requirements, rather than make it automatic in the ordinance. This is one of those items which the Council should feel comfortable about; should parking reductions occur automatically or should there be some discretion given to the Planning Commission or staff to approve the parking reductions?

Mr. Hill concluded, by recommending that after all this discussion occurs, the Council make a motion, that includes some provision for encroachments within the Public Right-of-Way. This is based upon a recent visit which the staff and the Mayor made to Portland, Oregon. They found that encroachments in the Public Right-of-Way are vital to the success of a pedestrian community. When Mr. Hill talks about encroachments, he is referring to awnings that may stick out over the sidewalk or signs that may indicate what business is located there, how to get to places, or works of art. Our current ordinances do not allow for encroachments and we haven't had time to draft specific language to address the encroachments, but feel that allowing those encroachments would be important in the TOD.

Mr. Nakamura noted, there have been some questions regarding the measurement of height. The height was not included in the architectural screening for mechanical equipment, church spires or decorated tower elements.

Ms. Griffiths noted they started out with 100 feet east of Main Street. Then there were discussions and a work session. She could not remember taking formal action on this, it was just part of a work study discussion on how we got to State Street. Analyzing the characteristics of the property that goes to State Street, they are much different from what they envisioned for the walkable community. There was no practical application for the stringent guidelines which would be imposed.

Ms. Griffiths noted what we started with was 100' east of Main Street, how did we arrive at Main Street?

Mr. Hill noted during discussions with the property owners, there seems to be a lot of concern about the restrictions placed upon them between State and Main. There seemed to be some interest in talking about those restrictions further. He does not know if that issue can be resolved entirely tonight. That is why it has been recommended to go back to Main Street so we can work out some of those issues.

Mr. Brass noted he remembers the discussion and maybe 100' is too much or maybe it is not, but Main Street for good or real is the gateway into this project. We want a buffer on both sides of Main Street visually for the walkable community and that is why we came up with crossing Main Street. If we stop at Main Street, the concern is you get very nice landscaping developing on one side and loading docks on the other. We need some kind of visual screen.

Ms. Dunn said as the Council has talked to each other, our recollection goes back to the 100' east of Main Street.

Ms. Griffiths said she was uncomfortable with finding out how we reached the point that we are now at the Planning & Zoning Commission Meeting.

GSBS

Mr. Hill introduced the team of **GSBS** who are the consultants Murray City hired to help us put together the design guidelines. They will make a brief presentation (much briefer then the one made to the Planning Commission last Thursday night). GSBS would be available to go into more detail if anyone desires and Mr. Smith from that team will give the presentation. Before Mr. Smith starts, Mr. Hill wanted to give a little background and state why the City selected them as consultants.

GSBS was one of several firms that submitted a proposal. The firm associated primarily with private projects; that impressed the selections team. They were involved with the Gateway project, Cottonwood Corporate Center up at Knudsen's Corner off of I-215, and the Chimney Ridge Project during its early conception. The Chimney Ridge Project didn't materialize but there was a lot of effort to make it a pedestrian oriented community. In addition, several other projects that impressed Murray City.

The selection committee felt with GSBS's strong private background they had a good understanding of what would work for developers. It is one thing for us to say "this is what we want to have happen" and it is another thing to go in and build it. All agreed we want this area to look nice, but at the same time we want this area developed. We don't want restrictions to become so difficult that nobody wants to develop in this area. You will see, from the presentation, that GSBS has done a tremendous job putting together design guidelines that provide flexibility and encourage people to reach goals, rather than just telling them exactly what they have to do.

Steve Smith, GSBS Architects

Mr. Smith began his presentation by noting there are two ways to do guidelines. One guideline which we call a restrictive-based guideline is a set of rules that require you do this and to do that and you have such things as 20% stucco and glass, a certain percentage of specific materials which are hard to work with.

The second approach to guidelines (the first time Mr. Smith remembers seeing this approach was in Portland, Oregon about 30 years ago), is the model which they have used. This approach says, essentially this is what is important to this development area, this is why it is important and show some ways that you might accomplish that. As a developer and a design team they can look at it and say “okay.”

Portland has small blocks of 200' or closer in dimension. It was an important part of the development of downtown Portland, to have small blocks. The design guideline says something to the effect that new development will respect this important historic pattern in downtown Portland.

Portland has a planning staff, planning commission to evaluate whether the developer has really done that. The development comes in and says we are going to take 4 blocks and put this in here and Portland can say no that doesn't go with the pattern.

Mr. Smith noted this is the way GSBS has organized what they are proposing for this area in the Transit Oriented Development. They have selected 4 categories of guidelines. They call them the **Street scape, Building Design, Pedestrian Environment** and **Special Treatments**.

The Pedestrian-related guidelines, are essentially the ground plane/horizontal aspect of the development.

The Building Design guidelines address the vertical and what you build up.

The third item, Pedestrian Environment, addressed guidelines that relate to how you experience this when you are there, and moving through it and driving through it and walking by the buildings and going to and from the buildings.

The last category, Special Treatments, is where they isolated guidelines related the specific areas, Big Cottonwood Creek, the Gateway, 4500 South and Union Pacific Railroad.

Mr. Smith indicated at the Planning Commission Meeting they went through each guideline and what it meant to TOD. What Mr. Smith would suggest is that when we see for example Street Scape, we are using building material relationships to the street to support the pedestrian emphasis. That is the category we are talking about. How do we do that? We have a guideline that says “in great building setback areas and setback design with adjacent streets to support pedestrian emphasis, this guideline may be accomplished by:

1. Integrating buildings setback areas that function as extensions of the sidewalk along main streets;
2. Could be accomplished by incorporating landscape planting of trees along the streets;
3. Or developing a strong street orientation along residential and commercial streets;
4. Minimizing or restricting vehicles’ access to residential areas from high volume streets.

Each of these guidelines in the final analysis will have a photograph or a drawing or diagram which illustrates what that is. Each of the categories will have several guidelines as listed in a table of contents. We are noting them as:

- a. Street scapes
 - a-1
 - a-2
 - a-3 - on how it will be accomplished.

The intent is to give the developer and the design team some flexibility in terms of how they meet the goal. The goal is a walkable community as described by people’s vision for it. How do you accomplish it if you meet these guidelines, it will be accomplished.

The guideline gives the design team some flexibility and it gives the staff a way to evaluate.

Mr. Smith pointed out, in the Building Section they attempt to regulate quality. The example of percentage of this stucco or limit this and limit that, etc. It is often difficult to work from the design point of view to get a real good coherent design if you are dealing with sort of piece-meal number idea.

Mr. Smith continued, they have used the guideline to “Convey Design Quality in Permanence.” The guideline may be accomplished by:

1. Developing residential buildings that provide foundations for new communities.

If you have quality residential buildings, then it supports the notion of this is a real community. It is not transient, it is not here today and gone tomorrow, it is not cheap, it is something that looks and feels permanent over time and makes the basis for a community.

2. Implying a power to building materials that conveys a high level of craftsmanship and attention to detail. It is not sloppy.
3. Making design decisions involving the building’s exterior that increase the building’s visual texture.

This guideline that addresses the interest of the building, but it doesn’t say four decorative features per each elevation, one design guideline required four gables, dormers, or decks per elevation.:

The City does not want to do that because it works against what your overall goal to create an interesting, walkable community at the Transient Oriented Design.

4. Incorporating permanent structural systems, they are not temporary, they are there to stay
5. Designing buildings to be flexible. That is a little harder to address but it is an important one because buildings that are flexible can be adapted for different uses. A good building can take on a wide variety of uses over time. If it is flexible in that sense, then that contributes to the quality of the community and the long term life of the community which you are trying to develop.

Mr. Smith used the example of GBSB’s building, that is almost 110 years old. It was built as a produce warehouse. Over its life it has served for the Alcohol Beverage Control, furniture showroom, an office, a restaurant, a pool hall, and their office. You will see numerous examples throughout Murray and every community where buildings have adapted the use and increased the value of the community.

Mr. Smith noted they are now working on the illustrations to show these points. If he looks at this from a designer's point of view and developers point of view and it says these are my guidelines and these are some ways to accomplish it and then he makes some choices and he says this is the way we are screening this. This is how we collected all the vehicle and service points into one spot to minimize curb cuts. Those kind of things can be presented and understood by the planning staff and ultimately if the developer doesn't like what the planning staff says, it goes up the line, but at least there is some basis for discussion.

Mr. Dredge asked who is your company proposing to make a determination whether or not a specific plan falls within these guideline professional staff, planning and zoning, design review committee.

Mr. Hill answered, we envision that the developer/builder would submit plans with an extra requirement for plans submittal, it wouldn't just be a site plan and an elevation. Plans are typically reviewed by staff and planning commission. Now with TOD, we are looking for a lot more detail up front, we sit down and they have talked about organizing a small committee so it doesn't necessarily fall upon Mr. Hamblin's office entirely, but perhaps they could get the building department involved and economic development. The committee would be involved in looking at these plans and comparing them against the design guidelines. We would go essentially goal by goal to see, how these plans have met the goals. The committee would make a recommendation and send it to the planning commission. The planning commission would make the final determination as to whether or not the project and the layout site plan and building materials, etc., met the goals.

Mr. Nakamura noted along with Mr. Hill's list, there is a landscaping provision that needed to go into public design guidelines.

Ms. Steiner, consultant, noted Murray landscaping ordinance currently requires the front yard areas to be essentially planted. In TOD zones you would want that to be hard surfaced. It should say something like "within the TOD zone decorative hard surface materials may substitute for grass and ground cover in the areas which are anticipated to have heavy pedestrian use."

Ms. Steiner noted, as you discussed parking there are a lot of issues to consider, one being that the way the parking is set up, it is essentially your height control. As you go through talking about changing parking, you should take into account what impact that has on heights in the area.

Secondly, Ms. Steiner said there are two big issues with parking:

1. How do you want the market to determine how much parking is needed, given it is kind of a new area and you don't really know what exactly the transit impacts will be.
2. As you make this zoning change, it is her impression that you will probably be creating value in the properties around the transit station, they are currently zoned for an industrial use. If they make the change such that parking is quite loose and just about anything can go in there, you actually may increase value, which from a redevelopment point of view might be beneficial, but it might make it hard in the future to go back if you start getting things like fields and fields of parking that you really don't need.

Mayor Snarr noted he likes the flexibility of design guidelines because unfortunately he has looked at projects in the past, where the architects spent so much time meeting the element requirements and the percentage requirements, by the time they got done it just didn't work. It cost more money that it otherwise would have cost and it just didn't come together to make the whole development attractive. Mayor Snarr compliments everyone for what they have done.

PUBLIC COMMENTS

Tom Saul, 4420 South State Street, Murray, UT

Mr. Saul owns TW Auto on 4420 South State Street. He is 99% finished on a \$100,000 rebuilding of the place of business. He is interested in knowing what is going to happen now that he has done \$100,000 remodeling. What kind of time-frame do the owners of the businesses have. He would like to know what does he do in the future to prepare for this.

Alexander Dushkey, 60 East South Temple, Salt Lake City, UT

Mr. Dushkey is from the law firm of Kirton McConkie from Salt Lake City. He and his partner and colleague Mr. Steven Whitehead, represent and speak on behalf of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints.

Mr. Dushkey noted their concerns are mainly twofold and they relate first to Deseret Industries which is located at approximately Main Street and 4500 South and the impact that the TOD district is going to have on Deseret Industries and also churches and future building of churches.

The Church has had for quite sometime and has shared with the City to varying degrees, plans for a significant redevelopment in the upgrade of the Deseret Industries facilities to make a nice modern facility. The City has been supportive of that in the past. There is real concern though that the Church cannot make any conceivable plan, if they have to comply with the structured parking requirements for this facility. If we have to bring that building right up to the frontage and not really have any parking that is able to be in the front like a traditional facility of that nature. That is a very large concern.

Mr. Dushkey brought up the 100' from Main Street issue and how it crept out to State Street. They received notice on August 4, 2005 that there was the 100' boundary beyond Main Street, so they would be partially included in that and then when they showed up at the meeting, they found out it is going all the way out to State Street. We believe there are some very significant and complex issues that have to be addressed in this regard. We would request that at least for the time being that the boundary be put back to Main Street, with the west side of Main Street so they can review some of these design issues.

It was not clear to us that churches were permitted use, even with the concession statement here that 6900 does allow for churches, that is still not clear, it wouldn't hurt just to put in the actual number indicating that churches are permitted use.

Mr. Dushkey noted, again they have the problem with structure parking. If you are going to put in a simple church, you have to put in a big parking facility, that is prohibited and not just talking about the LDS, but other churches, they will not be able to do that.

David Hunter, 1278 Spring shire Lane, Murray, UT

Mr. Hunter is the Vice Chair of Planning and Zoning and also an employee of Architectural and Engineering Facilities Department of Church of Jesus Christ of Latter-day Saints.

Mr. Hunter noted one of the problems they have in the lot right now at 4500 South is what is defined as frontage for the store. If it is going to be Main Street, if it is going to be 4500 South, if it is going to be State Street and requiring of architectural treatments on all sides of the building that could be considered frontage. That basically makes it very difficult for workable solutions for loading docks and the donation center to work.

Mr. Hunter is personally involved in the design of new prototypes of the standard plan for the Deseret Industries, and he is not at liberty to show elevations or anything like that today. However, he can assure you that these are going to be beautiful buildings. The West Jordan facility is a good example of the beautiful work that is done.

This is an important guideline, to be considered if the restrictive covenants of the TOD are taken all the way out the way out to State Street. Mr. Hunter hasn't had a chance to digest what the 100' implication means. He agrees with what Mr. Brass was saying about the idea of a buffer and gateway into the TOD and those were always the issues that Mr. Hunter looked at as he worked with Envision Utah, studying the entryway into the TOD.

Mr. Hunter noted, from the Planning and Zoning, they recommend the retail in the State and Main Corridor be limited to 100,000 square feet or less rather than 150,000 in order to retain down to a manageable size.

Mr. Hunter continued, relative to the issues in the TOD, they are studying smaller churches and meeting houses. They are also studying a smaller footprint building rather than the standard heritage or legacy models. Still, the parking requirement is an issue. There needs to be some restrictions allowed for parking services such as churches and elementary schools.

Keith Snarr, RDA Director, Murray City

Mr. Snarr noted just before the meeting it was reported to him that Deseret Industries has submitted a plan for construction of their new facility at 4500 South location.

Gary Snyder, 50 East North Temple, Salt Lake City, UT

Mr. Snyder noted there are two items he would like to address tonight, first the 100' boundary on the east side of Main Street. They would have concerns about 100'. They have every intention and hope of being compatible with the TOD zone that should be across the street but 100' is a significant amount of property, especially on frontage. They would once again want that to be compatible, but they would want to be able to maintain access off of Main Street.

Mr. Snyder noted they would also like to avoid having two zones on their property. They hoped that the existing zone would suffice.

Regarding Mr. Snarr's comments, as of Thursday night they have gone into a fire drill. As of 2:20 this afternoon they called their architect and gave him the green light to file an application, because of the risk of a public vote on an ordinance which could significantly impact them. They had hoped to continue the spirit of cooperation with the city as well as with other developers.

Mayor Snarr noted, the last few comments from Mr. Snyder were very important to Mayor Snarr, because you are still willing to work with other people who would be interested in developing the property and cooperatively try to present a development of State Street Corridor between State and Main Street and help the City visualize our Transit Orient Development and be compatible with that and what we are doing on the side of Main Street, if in fact we were to change the boundary.

Mr. Snyder noted, that is correct and that was the purpose of their meeting 3 or 4 weeks ago, and they continue to have hope. The application simply is an application with the existing property that they have.

Ms. Dunn left the public hearing open to answer questions from the public.

Ms.. Griffiths asked if any of the council objects to giving the speakers 3 more minutes.

Mr. Brass noted the answer period might eliminate the concerns, because they seem to be centered around a couple of issues building height, parking and where this ends on the east.

Ms. Dunn noted in the document it is clearly stated. Everyone seems to be on the same page in terms of the west, north and south boundaries, it is the east boundary that is in question. Ms. Dunn's conversations with the rest of the council, our recollection has been that it is 100' east of Main Street for the reasons stated by Mr. Brass.

Mr. Dredge wants to know what is expected in the 100' buffer.

Ms. Dunn's understanding was, to 100' east it goes that the TOD ordinance would apply to 100' east of Main Street. It is the same ordinance for the TOD area where the boundary would then be 100' east of Main Street.

Mr. Brass said one of the things that is in the ordinance is if the building crosses that line it has to fit the TOD ordinance and Mr. Brass thinks that one of Deseret Industries' may be concerns orientation of the building crossing that line.

Ms. Dunn noted, if the building falls within that 100', if it has a corner inside it, does it apply to the TOD or is it exempt from the TOD?

Mr. Brass said according to the TOD ordinance it applies.

Ms. Steiner indicated the way the ordinance is drafted it applies to the building and it applies to the portion of the site which is in the TOD zone. They would not have the same buffering requirements if they were to put the loading docks on the east side of the building and they would be under 100'.

Mr. Brass asked, can you orient your building. There is a lot of land over there. The City does want to work together on this, we have all made that clear and we are looking for a compromise also.

Mr. Snyder really doesn't think they can do something different, but they are open to do something different.

Mr. Robertson asked Mr. Snyder with the discussion which we just had and how that applies, can you make it apply with 100'.

Mr. Snyder noted their application comes within the 100' barrier to make it work.

Ms. Dunn stated with the application which was submitted today, it would be a moot issue unless you did not build within the one-year time frame. As of today with the application submitted, it was submitted before this ordinance is in place. It really wouldn't make a difference. The question would come if you were unable to build in the one year time frame that has been allotted by the City.

Mr. Nakamura noted again that is not the issue here, we are discussing whether they can work with the 100' east. The other is a separate issue.

Ms. Dunn noted if they do build this is not going to apply to them anyway,

Ms. Griffiths asked if it was reduced to 50' would that be more workable?

Mr. Snyder stated that is not what they desire. The desire of their application was to work with the existing land and to make the best application they can under the current zone.

Ms. Dunn asked Mr. Snyder, you didn't know about the 100' setback until August 4th, and yet all our minutes from at last four meetings have talked about that. She was surprised Mr. Snyder hadn't heard about that. It is in all of our minutes.

Mr. Snyder stated to Ms. Dunn it is probably his oversight, he was aware of the TOD ordinance and zone, and he was also aware of the desire of the Council and the Board to have retail on State Street.

Mr. Dredge said it has been the Council's intent that we leave that area the way it was. Then they came upon the 100' as an arbitrary number. Mr. Dredge likes the concept of a buffer, we need it, the question which Mr. Dredge has is what is reasonable. We don't want to put too much of an owner's responsibility on the property on the owners over there.

Mr. Snyder noted earlier the suggestion was made that we move that boundary back to the west side of Main Street and work with the State Street corridor. They would encourage that simply so they can come up with a fair number for their buffer.

Ms. Dunn noted to Mr. Saul, TW Auto, obviously if we set the boundaries at 100' east of Main Street, TW Auto will not be affected by it and your zone will not change.

Mr. Saul asked what the future looked like with the \$100,000 he has spent is it going to be mowed down. He is just doing day by day here.

Ms. Dunn noted they are looking at going to State Street. This in an RDA question.

Mr. Brass noted anything above 25' you go into structured parking and that was a limiter at some point. You have to limit density and height, 25' is too low. He would be more comfortable, with 40 feet.

Mr. Dushkey, asked on the issue of Design Criteria, he thinks it goes without saying that City's not out to be in the business of mandating how religious structures work and how they look. A Catholic Cathedral expresses a certain view of God as does a Jewish Synagogue or Mormon meetinghouse. There is some concern with some of the vagueness of the criteria that a church could be mandated to come up with a brand-new design. They have seen this in some areas, Park City is famous for this sort of thing and mandates everything from a gas station to a church to have a look to it. It does not correspond with the message that a church might want to be sending to its architectures. They just flagged that out of concern. He doesn't know what the solution would be if churches could simply have more of the traditional design criteria that have been used in the past as opposed to some fancy set of concepts.

Mr. Hunter noted he appreciates the idea between flexibility and vagueness in design. As far as meetinghouse design is concerned, one of the issues he raised at Planning and Zoning was to have things so vague that this TOD becomes a very homogenous artificially designed with a "Truman Show" kind of look to it. The idea of the design guidelines allowing an attitude of some architectural flexibility so that it has a certain texture to the community, but not all of the buildings have to look the same. The one thing we don't want is to have this Main Street Disneyland, Park City artificial mining town look to it. That is not the goal here at all.

Mr. Hunter hopes the Planning Commission, City Council and the staff to look at these issues and say, "yes this is nice," this works within the guidelines, we are not going to prescribe to them that they have to put log columns out, etc. As far as meetinghouse designs go, they looking at different kinds and textures to go in different type of communities, they feel that is appropriate. To be mandated by City Guidelines such as Park City and Summit County are infamous for is not appropriate. He knows Murray City doesn't want to go in that direction.

Mr. Whitehead, Kirton and McConkie wanted to touch briefly on the 100' on the Main Street development. In reading the ordinance it appears that the burden to develop east side of Main Street is going to fall upon the property owner. One thing that the Council may want to consider is that the landscaping and the park strip should be the road right-of-way. There is a landscape buffer to create a buffer zone and make it consistent with both sides of the street. Have the road right-of-way to be developed by the City or the Master Developer. You can do that and leave the adjacent property, let's say the property which the church owns, pretty much alone, and that way you do have a consistent look and design something that would not impose something on the adjacent property owner. If you impose on the adjacent property owner, and half-concerned businesses may not develop the property for years. They may have one stretch that is developed and the other stretch by owner.

Mr. Smith noted on the height discussion, if you look for a 3-story building minimum and you want an office building at 3 stories, 45' is a much better number, it is difficult to do a 13' floor to floor in an office building.

If you want 2 stories to be your limit then look at 30'.

Mr. Smith commented on the meetinghouse discussion and the guidelines. If you look at what they say, there are a lot of them that are related to sidewalks and streets scapes. Meeting houses are not really commercial on the street scape. If you look at guidelines which apply to that kind of a building or a school building it isn't really pedestrian traffic. You look at the quality of materials, look at the forms, variety of the elevations, how you deal with the site, vehicle access, conflicts between service and a lot of those would meet a fair amount of the guidelines and they could be applied in a way to have that meetinghouse or that school meet what is appropriate for that use, where a lot of the guidelines are intended for that commercial residential street scape issue. In Mr. Hunter's mind, he doesn't see as big a misfit as you might see on the surface. That is one of the advantages of this type of guideline.

PUBLIC HEARING CLOSED

- b. Council consideration of the above matter to follow Public Hearing.

POINTS OF INTEREST

1. 20% of area for each lot for open space should not include streets.
2. Parking regulations 45'
3. Section B & C - reducing off street parking stalls

Mr. Dredge, suggested setting a standard and come back at some future date and see if our standard is appropriate.

Mr. Brass noted in other areas where they reduced parking, it didn't work, therefore leave as it.

Ms. Dunn asked, are we going to force the issue of TOD in Murray City here to start something new, something different, something attractive, or is that really not do-able because it will cause too many problems down the road. That is the question we need to answer for ourselves today.

Mr. Dredge's personal view at this time, he thinks it will cause more problems down the road because of limited parking options for people. It is easier to give than to take away.

Mr. Brass noted it would be easier to reduce the amount of parking than force them to have more.

Mr. Nakamura noted there are parking restrictions in the ordinance as proposed, what you are talking about is going below those parking restrictions and allowing reduced parking subject to a process before the Planning and Zoning Commission. You are not changing the parking restrictions currently specified in the ordinance.

Ms. Dunn's concern is always setting something now and then having people have to restrict further later is very difficult. It is easier to be more restrictive and to loosen it than it is to be less restrictive and tighten it.

Ms. Griffiths concurs with Ms. Dunn.

Mr. Dredge noted the problem he sees with that is you may have created some problems in the areas that are already developed, oops we made a mistake and we still have the problem. We can remedy that for the future, but we have a problem in the areas where we were too restrictive.

Mr. Dredge understands what Ms. Dunn is trying to say.

Ms. Dunn asked Mr. Dredge if he would like to make a proposal on one of these you like. Are you saying let's leave it at what the current proposed ordinance calls for?

Mr. Dredge answered yes.

Mr. Hill indicated it is not what he wants, and he is not saying that he is right. Ms. Steiner has said this before and she brings up some very pertinent points. He shares the same concerns as Mr. Dredge, that under the ordinance that you have before you, reduces the parking from what our current ordinance has. For example right now we require two units per residential unit for parking. In this ordinance, it says "if you provide surface parking lots it will be reduced to 1.5. If you put it in structured parking, it will reduced to 1.125 per unit."

Mr. Brass noted, the concern is we will not have enough parking spaces.

Mr. Hill continued, what he is concerned about is if we adopt the ordinance as it reads then we are giving them an automatic reduction. They don't have to do anything but meet these requirements that are in the ordinance. At the same time he can see that perhaps our parking ordinance as it currently stands requires too much. Mr. Hill is somewhere in the middle of his compromise solution, let's let the Planning Commission decide, based on the merit of each development whether they want to give them a reduction or not, but we stay with our current parking requirements and then make a decision on a case by case basis. If you adopt the ordinance as it appears before you now, you are adopting a reduction in parking.

Mr. Brass said when he was on Planning and Zoning with Mr. Dredge, two of his favorite places right now, Bagelry and Starbuck's on the corner of 5900 South and State Street and those businesses were approved, the Bagelry was going to be open during the day and the restaurant was going to be open at night. It was going to be a great parking arrangement, but now you have two coffee shops open during the day, and it is a nightmare over there because there is not enough parking.

Mr. Brass continued, we also relaxed what we required at the Pointe at 53rd. It is a beautiful development and it is very busy and the parking lot can be interesting, for anyone who has tried to negotiate it on foot or in a car.

Ms. Steiner noted she thinks you should consider parking in combination with height. Essentially your earlier discussions said you were okay with going to 3 stories, then if you essentially almost double the amount of parking and you visualize what you are doing there, you are dramatically changing the look and the feel of the development. They are inter-relative issues and you should treat them as inter-relative issues.

4. Encroachment we will leave in.
5. Mr. Hill agrees with the language Ms. Steiner has recommended. His preference would be as not to have that in the ordinance itself, but to put it in the design guidelines, because he thinks we appropriately addressed that through the design process. People would come in and process hard surface landscaping and we would be able to approve through the design process.

Mr. Hill asked Mr. Nakamura, because our landscaping ordinance right now requires planning, do we have to say that it can be surface in the ordinance or can it just be moved to design guidelines.

Ms. Dunn's concern is if we are making it an option, do we do away with what we are trying to accomplish.

Mr. Nakamura answered the first question, if the subject issue was reviewed by Planning and Zoning, he feels comfortable, they also reviewed the design guidelines. He feels comfortable in moving that to design guidelines. The 2nd issue, maybe Ms. Steiner can answer that concern better.

Ms. Steiner noted her concern is are we making it an option rather than choosing whether we want to go by this or not. You should review the landscaping as part of the design review that you are going to go through. The reason she proposed this is you want your ordinances to all work together and if you have one ordinance that says they have to do soft materials and that is not really what you want in the TOD zone, you should exempt either the TOD zone from the landscaping ordinance and pick it up in the design guidelines or you have to put in that you indeed allow something different in the TOD zone and then review it in the design guidelines.

Mr. Nakamura noted the need for that right is now, it is restrictive and prohibited by our existing landscape, so we will have to go in and say that does not apply in the TOD zone.

Ms. Griffiths asked Mr. Nakamura what did he mean by his previous statement.

Mr. Nakamura noted it will be in design guidelines because we will adopt the TOD guidelines by ordinance as well.

Mr. Brass asked Mr. Nakamura you are saying exempt, within the TOD?

Mr. Nakamura stated by adopting them as part of the design guidelines and we essentially allow those designs in the TOD.

Ms. Steiner noted it is her understanding that it is already in the City's zoning code as a height exclusion, which is not necessary.

6. Ms. Dunn noted 17.146.110 - open space and street, delete streets.

Ms. Dunn asked the Council what is the feeling on boundaries?

Mr. Dredge likes the concept of some continuity on the east side of the street in terms of putting some requirements along the road that we have a consistent landscaping on the east and west side of the road. With that in mind he would rather move it back up to Main Street. To him he is not sure what the 100' is going to look like.

Ms. Dunn stated that was the whole purpose. Maybe 100' was arbitrary, but that was the whole purpose of the 100' was what is this going to look like and what is it going to feel like. At the time we all agreed that for the look of it that a set back off of Main Street would make sense. What has changed from what we decided before? Do you feel like we've put an arbitrary number and didn't need to do that?

Mr. Dredge commented, he believes we need some sort of consistent transition. He is not sure if the 100' is the appropriate amount, but as he tries to envision it, in that 100' technically, it could be parking lot on one property and the next lot it could be a building. As long as it met the look and feel of the TOD, we are okay. We would rather have something consistent along there in that gateway.

Ms. Griffiths commented like the Parkway concept that we approved in General Plan, which is probably what we need.

Mr. Robertson noted the change to 25' east of Main Street so there is landscaping on the other side of the sidewalk.

Mr. Dredge noted it would be nice to have the same look and feel on both sides of the street.

Ms. Griffiths asked if it would be like a Right-of-Way issue if we developed a Parkway.

Mr. Nakamura answered yes, there would be an issue as to who pays for that.

Mayor Snarr noted he can see what the Council is trying to do and what you are trying to say is, you do not want to look at Main Street going east with just the backside of buildings all the way down. It would be nice if you could come up with some kind of language which reflected an image of saying we want to have landscaping, we want to have some buildings facing out onto Main Street, not all facing out onto State Street.

Mayor Snarr said he didn't know how you do that, but get good people who want to develop the property and want to do it so that everybody wins with the way it looks and feels and the texture of the site.

Ms. Griffiths noted maybe that is something to be considered infrastructure as far as RDA.

Mr. Dredge is going to recommend 25' east of Main Street, and there would be some buffer in between.

Ms. Griffiths noted on the TOD boundaries it would be 25' east of Main Street. Is everybody good with that?

Mr. Hill noted in the ordinance they have measured by the back of the curb. The ordinance requires a 15" sidewalk landscaping requirements. You may want 15' to be consistent with both sides of the street, then you are dealing with the public right-of-way. What would happen is typically the park-strip and sidewalk would become dedicated to the City as part of the public right-of-way and there would be the landscaping and sidewalk requirement.

Mayor Snarr said he wanted to make sure it is the responsibility of the adjacent land owners to maintain that property.

Ms. Dunn noted it will be 15' east of back of the curb on Main Street.

Ms. Griffiths stated 146.070 C, strike the last sentence about the east of Main Street's square footage requirement.

7. Ms. Griffiths noted one more thing that was mentioned was being more specific in the permitted uses as far as churches and schools. Ms. Griffiths proposed that we add the 69.11 for churches.

Mr. Dredge would like to strongly suggest that we consider some sort of design review committee that can work in conjunction with the City staff that can take a look at these plans, similar to what we are doing with the Historic District. He would like someone to come back and say they like the idea, they don't like the idea, here is why, how do we make it work, etc.

8. Mr. Brass agreed with what Ms. Steiner said about bumping up, we end up with a lot more parking lots, it would change what we are trying to do here.

Ms. Dunn noted it would easier to loosen it down the road than it will to be more restrictive down the road.

Mr. Dredge's feeling on it is that we also don't accomplish what we are trying to do if we have a parking lot haphazardly over there because there is not enough parking.

Mr. Robertson noted after it is built out it is hard to increase parking.

Mr. Brass noted the solution is to kick it back and have Planning and Zoning review it on a per application basis.

Ms. Dunn asked how do we defend that.

Mr. Brass noted that is the hard part.

Ms. Dunn noted it becomes arbitrary and she has a hard time with that.

Ms. Griffiths suggested to just leave the parking regulations as they are drafted with the exception of the height.

Mr. Brass said they changed the structured parking to 45'.

Mr. Dredge asked if that gave an automatic reduction should they meet the building requirements and do we want to that. Do we want to build in, you can have less parking under these circumstances.

Ms. Dunn noted maybe another thing to consider would be not going to what it is and not doing away with it completely, but setting something more in the middle of that.

Mr. Dredge noted this is fresh on his mind, he drove through Hunters Wood parking lot a couple of days ago and it is a mess. He proposed that we maintain our City ordinances at this time. Mr. Dredge got 3 Nays.

Ms. Griffiths proposed to go with the ordinance as drafted. Ms. Griffiths got all Ayes.

Mr. Nakamura noted on the permitted uses if we would just specify church and schools rather than the number category, we don't want to get a category that includes other items.

Mr. Nakamura stated, Ms. Steiner's language regarding the part which excluded the towers, etc. that be also in that same paragraph regarding the 45'.

Ms. Griffiths made a motion that we adopt the ordinance enacting 17.146 of the Murray City Code relating to Transient Oriented Development with the revisions which we have discussed in this meeting and are:

1. Changing the boundaries to 15' east of Main Street on 17.146.20;
2. On 17.146.110 strike the word streets;
3. On parking regulations - 17.146.A, change for buildings that exceed 45' feet in height;
4. Encroachments - we will have to adopt separately in TOD guidelines;

5. 17.146.70 strike the last sentence in section C removing the reference to development east of Main Street;
6. Inserting the change to the landscape ordinance.

Mr. Brass 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Mr. Brass
 A Ms. Griffiths
 A Ms. Dunn
 A Ms. Dredge
 A Ms. Robertson

Mr. Brass made a motion to adopt the ordinance related to Transient Orient Development District that enacts Design Guideline again with the noted changes on encroachments and landscaping.

Mr. Robertson 2nd the motion.

Call Vote Recorded by Ms. Heales

AYE/NAY

 A Mr. Brass
 A Ms. Griffiths
 A Ms. Dunn
 A Ms. Dredge
 A Ms. Robertson

Meeting adjourned.

Recorded by: Carol Heales, City Recorder